

MINUTES OF THE
AUSTIN CITY PLANNING COMMISSION REGULAR MEETING
TUESDAY, APRIL 15, 2003

MEMBERS PRESENT: Jack Rosenberg, Gordy Kuehne, Brian Johnson, Sue Howard, Janet Anderson, Sue Grove, Rich Bergstrom, and Glenn Mair

MEMBERS ABSENT: Roger Stratton

OTHERS PRESENT: Community Development Director Craig Hoium, City Attorney Craig Byram, and Council Members Wayne Goodnature, Gloria Nordin, Dick Pacholl, Pete Christopherson, & Mickey Jorgenson

Commission Chair Johnson called the meeting to order at 5:33 p.m., April 15, 2003, in the Austin City Council Chambers located at 500 4th Ave. N.E., Austin, Minnesota.

Corrections to the February 4, 2003 minutes were made: On page 6 Commission Member Mair clarified the statement he made to read "in the last ten years many facilities that have closed have had their licenses terminated." On page 7 Commission Chair Johnson recommended changing the wording of Member Mair's motion on the Schammel hearing from "to deny" to "to recommend denial of the change." Motion to approve the February 4, 2003 minutes was made by Commission Member Anderson. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion carried.

- 1.) **OPEN PUBLIC HEARING: To consider a request from Schammel Properties, 1210 14th St. N.E., Austin, MN, for the re-zoning of the property previously known as the Burr Oak Manor property located at 400 10th Ave. N.W. The request to re-zone this property from a non-conforming "R-1" Single-Family Residence District to a "P.D.R." Planned Development District to accommodate an 18-unit apartment complex. This request also includes the amendment of the Comprehensive Plan Future Land Use Map from a low-density residential land-use to a high-density residential land-use.**

Mr. Hoium explained that there are two separate issues to this request. One is that a recommendation has to be made to either approve or deny the amendment to the Comprehensive Plan- that would change this area on the Comprehensive Plan Future Land-Use Map from a low density residential development to a high density residential development. The other action is to re-zone the property to a Planned Development District according to Chapter 11.65 that stipulates conditions that must be met including a preliminary review by the Planning Commission if felt necessary by the Planning Director. The Planning Commission has reviewed this issue two or three times over the last 18 months. Chapter 11.65 has a provision that states that under the recommendation from the Planning Director a movement could be directed toward a final review for the development. This is Mr. Hoium's recommendation for this hearing.

Mr. Hoium reviewed the request. The center portion of the building is referred to as the Wagner mansion. The south portion of the building is referred to as the south wing, and the north portion of the building is referred to as the north wing. The Burr Oak property is in an "R-1" District. To the west there is an "R-2" District, to the north is an "R-1" District, to the east is an "R-1" District, and to the south there is a combination of an "R-O", an "R-2", and a "B-1" District. Mr. Hoium included in the Commissioner's material a reference to state statutes for amending Future Land Use Maps or Comprehensive Plans. There are also revisions related to the City of Austin Comprehensive Plan and this requested zoning change. There is also a copy of the Chapter that identifies what a Planned Development District is and the appropriate procedures involved in that process. Schammel Properties has made petition to re-zone this property as a PDR District. This development would consist of 18 multi-family apartments; two 3-bedroom units, six 2-bedroom units, & one 1-bedroom unit on the main floor and second stories of the north and south wings. On the lower floor of both wings are storage areas, commons, exercise rooms, and mechanical rooms. The site layout includes 36 stalls of off-street parking which equals two parking stalls for each unit. Mr. Hoium included in the Commission's back-up material comparisons with surrounding communities and their parking factors. Mr.

Hoium said that there are three options relating to this issue: 1) make a recommendation to deny the request, 2) make a recommendation to approve the request as it is submitted, or, 3) place conditions with the recommendation for approval. Mr. Hoium recommended that the Planning Commission require more specific dimensions be provided for the off-street parking if the Commission chooses to make any recommendations for approving the requested action.

Commission Chair Johnson asked Mr. Hoium if Subd. 7A of the City Ordinance states that the Planning Director recommends to the Planning Commission one of the listed actions and then the Planning Commission makes a recommendation to the City Council.

Mr. Hoium read the City Ordinance relating to Planned Development Districts.

- 1) The specific intent of this zoning classification is that there may be some development standards that cannot be met with the proposed development such as bare land or an existing neighborhood such as in this case.
- 2) No planned development parcel shall be less than the minimum lot size permitted. In an R-2 Multi-Family District that section states that there shall be at least 1,200 sq.ft. per unit provided in an R-2 District. The square footage of this property with the 18 units would be approximately 1950 sq.ft. per unit.
- 3) There are three different Planned Development District categories: PDR, PDB, & PDI.
- 4) Principal permitted uses of PDR Districts. When reviewing these properties a Planned Development District shall not result in undue adverse effect on surrounding areas and shall be consistent with the intent of the Chapter and the concept of the proposed planned district.
- 5) Pre-application conference. Mr. McGarvey and Mr. Hoium met with the petitioner and his representative Mr. Paul Johnson to discuss the current proposed design.

If the Planning Commission chooses to go directly to the final review, Mr. Hoium recommends that the entire 24 items be passed- they are related to the preliminary review, along with these suggested recommendations:

- 1) Exterior lighting plan
- 2) Landscaping plan. In the conceptual plan there is landscaping, but for this type of development the landscaping plan is critical
- 3) Zoning on adjacent to or other areas
- 4) Exterior finishes of the building should also be addressed
- 5) Provisions that assure to the City of Austin that different phases of the project will have specific deadlines to be met. There are provisions that state that extensions can be provided for those deadlines if the City Council feels the request for the extension is justifiable.
- 6) Subpart 7 states conformity with all applicable provisions of this Chapter- the Planned Development District Chapter & the Comprehensive Plan. One issue that does not comply with the Comprehensive Plan would be the Future Land Use Map.

Mr. Hoium pointed out that the Comprehensive Plan states that the Comprehensive Plan should be periodically reviewed by the Planning Commission and amended whenever felt warranted by the Planning Commission. The Comprehensive Plan addresses the issue of high density residential areas stating that those types of high density areas shall be adjacent to major arterial collectors, shall be adjacent to major areas of employment, and shall be adjacent to areas of commercial activity.

The one-bedroom apartments would range from 486 to 570 sq.ft. with rents of approximately \$400/month. Two-bedroom apartments would range from 780 to 820 sq.ft. with rents of approximately \$600/month. Three-bedroom apartments would range from 1050 to 1224 sq.ft. with rents of approximately \$850/month. In the ordinance for Planned Development Districts there is language addressing the storage of recreational vehicles, with a specific area designated for that purpose and Mr. Hoium asked that this be another recommended condition if the Planning Commission chooses to make a recommendation for the approval of the development.

Mr. Hoium asked the Planning Commission to also consider these considerations:

- 7) The off-street parking area consisting of 22 stalls in the westerly portion of this site would actually be the designated area for tenants of the facility. If this is the use it would minimize the through traffic from 3rd

St. N.W. and the residential neighborhood- it would be directed right onto 4th St. N.W. The initial loop area has already been eliminated.

- 8) To provide modular playground equipment for the complex.
- 9) There are areas surrounding the development site that currently do not have any screening provided. Mr. Hoium would like the Commission to provide a detailed plan identifying those areas and what screening would be provided. That screening should be a minimum height of 6-feet. If plantings are used they shall be of a coniferous type.

Mr. Hoium reviewed the traffic study chart included in the Commission's backup material. As stated in the report, the total of trips for the nursing home use was 151 trips per day, and for the apartment development the total was 159. The apartment and family use was calculated for a 24-unit apartment development which has now been changed to an 18-unit development. Commission Member Kuehne asked Mr. Hoium to explain the volume figures particularly on the daily rate. Mr. Hoium said there are engineering standards used when calculating traffic analysis. This study was done by Chad Shuman- a P.E. from Yaggy Colby & Associates. Member Kuehne asked if the daily rate for the apartment use was three times as high as for the nursing home. Mr. Hoium said there is not a specific standard for a nursing home so Mr. Shuman used his best judgement and the MnDOT guidelines to arrive at the counts. The condition to make all of the parking stalls off 4th St. N.W. specifically for tenants would help by getting the tenants out onto 4th St. N.W. Member Kuehne asked where the handicap parking stalls are planned. Mr. Hoium said for the number of stalls provided in this development there would be two handicap parking stalls required- one of the reasons Mr. Hoium asked that the development provide the Planning Commission with the specific dimensions for the off-street parking area. Commission Member Kuehne asked if this would decrease the tenant parking by one stall. Mr. Hoium said until he gets the dimensions he cannot answer that.

Mr. Hoium recommended that if the Planning Commission recommends to approve the amendment of the Future Land Use Map and to recommend the approval of the proposed development, that the Commissioners include the recommended conditions stated earlier. The Planning Commission tried to group the following recommendations together:

- 1) RV parking
- 2) More specific site plan addressing specific dimensions that should be directed more toward off-street parking areas with minimum stall & aisle widths.
- 3) Identify playground area
- 4) Specific screening
- 5) Landscape plan
- 6) Meeting deadlines of the two phase development
- 7) Tenant parking off of 4th St. N.W.

Kevin Schammel, of 2201 6th Ave. N.W. and owner of the Burr Oak property reviewed his request. The proposal has been revised from the original 24-unit apartment building to the present proposal of 18-units- a 25% decrease in the number of units, showing a willingness to work with the neighbors and to answer the traffic concerns, along with 2 parking stalls per unit- greater than the 1.25 stalls per unit required by the City Ordinance. Mr. Schammel pointed out Kenwood apartments directly to the west, along with four duplexes and a four-plex nearby. Further out are apartment buildings along with Hormel Corporate South and Austin Medical Center, and the A&W Rootbeer Restaurant- he pointed these out to show the different land uses surrounding this proposed development- not all single-family homes. He feels his proposal is an appropriate use of the neighborhood. Mr. Schammel found only one neighbor original to the neighborhood before Burr Oak Manor was constructed- most others moved in during the 80's & 90's. Mr. Schammel said this project adds tax revenue for the City versus the original tax exempt status of this property. By improving this property the County Assessor's Office has already shown an increase in the value of the property- almost four times the previous value. Mr. Schammel is willing to work with the neighbors and the City of Austin Departments.

Commission Member Grove asked how the square footage of the total property was affected with the change in units from 24 to 18. Mr. Schammel said the plan now includes more two-bedroom apartments, along with more apartments on first and second floors with no apartments on the lower level. This is the smallest project that Mr. Schammel can make work financially. There are 10 apartments in the south

building and eight in the north building. Member Grove asked Mr. Schammel if he had considered tearing down the north building and having apartments only in the south building. Mr. Schammel said yes, but it is not economically feasible with the demolition costs, etc.

Commission Member Kuehne said that no matter what is done with the property there will be an increase in tax revenue, because the previous owner was a religious organization and no taxes were paid. Mr. Schammel said that if he decides to donate the building after a period of time it may again go to a tax exempt party.

Commission Member Grove asked about playground equipment. Mr. Schammel said by the south building, but he will consult with Mr. Hoium and listen to his considerations.

Commission Member Rosenberg asked if fencing next to the street is planned in the southwest corner of the proposed development. Commission Member Bergstrom asked if there would be fencing around the playground area to keep the kids out of the street. Mr. Schammel said he is willing to listen to suggestions from Mr. Hoium and his own insurance company for possible liabilities.

Commission Member Mair asked if Mr. Schammel has consulted with any of the neighbors regarding the changes from 24 units to 18, and what he could do to make his plan more acceptable to the neighbors. Mr. Schammel said Gary Schloo said 18 units would be acceptable and Mr. Schammel said he assumed he was speaking for his neighbor Mark Owens also.

Commission Member Rosenberg said Mr. Schloo called him the night prior to this meeting (from New Jersey), and Member Rosenberg felt that 18 units was also unacceptable to Mr. Schloo. Commission Member Kuehne said that in regard to the neighbors who moved in next to the nursing home- living next to a nursing home of 70 residents and 30 employees per shift creates a lot less noise and congestion than an apartment house with 18 apartments. Member Kuehne said that in reducing the number of units he has created less one-bedroom apartments and more multi-bedroom apartments and possibly increased the numbers of families with children and the possibility of small children activity in the area. Member Kuehne said there is very little room for a large number of kids and their safety. Member Kuehne said since 1966, when the first building was constructed, there has been a tremendous increase in traffic with the growing of St. Olaf Hospital, Austin Medical Center, and now Mayo Medical Center. This is now a major artery which extends all the way across the freeway with added businesses on the other side of the freeway. According to the neighbors Member Kuehne has talked with, the original non-conforming land-use in 1966 was a mistake.

Commission Member Rosenberg said this may not necessarily mean a lot of kids- he may like this apartment building himself.

Mr. Schammel said that in talking initially with the neighbors he was told there was congestion in the mid-afternoon with first shift and second shift, along with visitors and deliveries. Mr. Schammel said the engineering study shows less trips for his proposal. Mr. Schammel feels his proposal would be less traffic than the previous use. Commission Member Grove said she is pleased with Mr. Schammel's changes including the emptying of traffic onto 4th St. N.W. Member Grove said that she sees the building degenerating and was hoping the concerns of the neighbors might have given them some ideas for the property, but she sees this proposal as very manageable.

Commission Chair Johnson asked Mr. Schammel's feelings regarding Mr. Hoium's recommendations for tenants approaching the proposed complex from 4th St. N.W. Mr. Schammel said he is willing to work with anybody including the City Engineer for his ideas.

Commission Member Bergstrom asked if there is the possibility of future apartments on the lower level. Mr. Schammel said no. Mr. Hoium said this Planned Development District and what the land is used for is very specific- if there is a change in the number of units in the facility there would have to be a public hearing to review the issue again- similar to the Carriage Homes Development- there are 38 buildings there- they cannot have 39 unless they re-petition to change the district. Member Grove said she has worked across the street from the Key Apartments and has never had any problems with traffic on that street.

Commission Member Howard commended Mr. Schammel on his attempts to accommodate the concerns of the neighbors. Commission Member Kuehne said his concerns are voiced from the neighbors of this proposed development.

Paul Johnson, 1511 West Oakland Avenue, architect of the proposed development, said that Mr. Hoium indicated for comparison that an "R-2" District requires 1200 sq.ft. of property per unit. According to Mr. Johnson's calculations this development would be 2217 sq.ft. of land available for each unit. He also said that by considering two parking stalls per unit it is fairly high density with asphalt, but he did prepare another plan that holds 29 parking stalls (1.6 stalls per unit). Commission Member Anderson said that the existing ordinance is certainly not the best case scenario and this ordinance should have been updated years earlier. Mr. Johnson said this is just an option to eliminate asphalt and add greenspace. The only parking stalls with access to 3rd St. N.W. would be seven stalls of visitor parking.

Scott Richardson, an attorney hired by the neighbors adjacent to this property, stated his concerns about the Preliminary Plan and the findings of fact for recommendation to be addressed by the Planning Director and requested that if these things have not been done that this issue be tabled and the Planning Director submit this information. Mr. Richardson does not feel that this traffic study with a nursing home is not a relevant issue- this proposed development should be compared with "R-1" Residential District traffic, not a nursing home, for a traffic study. He also said here has not been any communication with Mr. Schammel and the neighbors since the last public hearing. The new floor plan has only been reduced by six bedrooms- the capacity for a number of people in that small area is still there. Mr. Richardson disagreed with the Mr. Schammel's statement that Hormel Corporate South is in the same neighborhood- it cannot be seen from the Burr Oak Property, nor can the fourplex. Aside from the Burr Oak Manor this is a residential street and the neighbors are concerned about the intensity of this land use. Mr. Richardson asks that the Planning Commission look at all the details and recommendations completely before making their decision.

Commission Member Rosenberg asked if Mr. Schammel deeded this property to the City and the City puts a recreation area like a park there- will there be more kids there than apartments. Mr. Richardson said maybe Mr. Schammel will tear these buildings down and make two nice residential lots there. Member Rosenberg said that's not going to happen- it's not feasible. Mr. Hoium said that when the Planning Commission or City Council is looking at property re-zoning there is a findings of facts that is included with the zoning recommendations, approvals, or denials. He apologized for not identifying those as findings, but he did mention that the language he brought forth earlier from the Comprehensive Plan that addresses high density residential areas and feels this is what the Planning Commission should reference if they should choose to make the recommendation to approve this request for the map amendment and the re-zoning. Mr. Hoium stated earlier those issues are:

- 1) adjacent to major arterial collector roads
- 2) adjacent to areas of employment
- 3) adjacent to areas of commercial activity
- 4) act as a transition from more intensive land use types to less intensive land use type

He said that if the Planning Commission should choose to make the recommendation for the approvals those findings of fact should be included with the recommendation or denial.

Craig Byram said there is no requirement that the findings of fact be in writing and the answer to Mr. Richardson's question is that Mr. Hoium discussed in his presentation earlier the extent to which the plan departs from the current zoning and subdivision regulations in the extent to which it satisfies those regulations in regard to "R-2" or high density residential in relation to lot size and square feet per unit. Mr. Hoium also addressed the issues related to vehicle traffic and the facts of traffic flow and the recommendations if this is adopted that vehicular traffic requirements be put in place as far as which parking spaces be identified for use of 4th St. N.W. Mr. Hoium also discussed the extent of open space, common areas, playground recommendations, etc. Mr. Hoium discussed the issues on the relationship of this development project and its neighborhood atmosphere with present land uses. Mr. Hoium asked that a time requirement be placed on the construction of Phase II and pointed out that if the time table is not met there are provisions for a possible time extension. Mr. Hoium also discussed how this does not comply with the present Land Use Map of the Comprehensive Plan, but otherwise may comply with the flexibility and provisions of the Comprehensive Plan. All of this satisfies the Findings of Fact requirement. Commission Chair Johnson said there are 60 days to act on matters, and this provision refers to 30 days which would be

an issue if the Planning Commission chose to postpone the action. Mr. Richardson is asking that the Planning Commission insist on a written report of the seven factors listed by Mr. Byram. These factors are important and he would like the Planning Commission to weigh these issues carefully. Mr. Richardson pointed out that within 30 days after receiving the Planning Directors report the Commission shall hold a public hearing on the application after giving notice. Mr. Richardson feels this meeting tonight is not the meeting to vote- there should be another notice for another meeting so people can have time to review Mr. Hoium's report and be ready to respond to it. Commission Chair Johnson said the issue of the Preliminary Plan can be waived and that can affect the timing as well. Mr. Byram said the phrase "within 30 days" indicates within 30 days of giving the report which is an outside time limit- not an inside time limit. He agrees with Chair Johnson that these timelines are inapplicable when not dealing with the two or three state procedure which could be implemented if there were a preliminary sketchy report that contained twenty-four different items addressed at one meeting and then a report by the Planning Director and consider that at another meeting and then have a final meeting to discuss the final plan. Since this issue has been reviewed on at least three other occasions and the issues being presented are largely the same and the issues raised by the neighborhood are the same and the same as Mr. Hoium's, but if the Commission feels that it would prefer to go through the multi-step process they can determine not to waive the preliminary report and determine that this is a preliminary hearing and approve that with conditions that additional information be provided and go from there- it is not required. Commission Chair said that Subdivision 7 relates to the Preliminary Plan, tentative approval, and a final plan. Chair Johnson said there is not a need for a Preliminary Plan and final plan as these issues have been raised before. Commission Member Anderson asked to hear from the neighbors. Commission Member Kuehne asked about the "relationship beneficial or adverse of the planned development project upon the neighborhood in which it is proposed to be established" stated in the City Ordinance- is there a conflict of interest that Mr. Hoium is an employee of the City and that this property could eventually end up in City hands if the development does not go through. Mr. Byram said it is highly speculative that the City is going to be in the position of owning this property. Mr. Byram at this time cleared up the statement that the City may have made a mistake in letting this become a nursing home development in the early 60's- understand that the Constitution of the United States and the State of Minnesota is the reason that Burr Oak Manor was allowed to continue as long as it did- it had very little to do with the City Council. The nursing home was in existence before the City Council set the zoning in 1975, and that's why it was a non-conforming use. Non-conforming means that there has never been a permit issued for a nursing home on that property- that the property was being used as a nursing home at the time of the zoning classification was put in place in 1975. The Constitution at that time would have required either the City to purchase the property or to allow the use to continue. The continuation of that use has more to do with it's use prior to the zoning being put in place than with any decisions of the City of Austin since that date.

Mr. Schammel asked that if the Planning Commission votes to table this issue that the Commission defer to the City Attorney his opinion on Subd. 5 of the City Ordinance Item A: "the Commission shall review the application, recommend approval and principal, approval with modifications, or denial." Mr. Schammel does not see tabling as an option. If this is delayed another 30 days does this meet the requirements. Mr. Schammel said the on-going cost of pursuing this for three months is money that could've been spent on the project.

Sean Miland, of 1106 3rd St. N.W., said he lives across the street from the proposed development and he moved in when it was being used as a nursing home. He objects the apartment building because of many reasons including parking and access to 4th St. N.W. He feels that there is not enough greenspace and not enough parking. He does not think business should encroach upon the residential area just to make money. Mr. Miland would much rather have this area become a park. He has never heard a positive reaction to this development idea. Mr. Miland says he would not want to live in this apartment building and nothing has been mentioned as to enhancement of the outside of the building and what would attract tenants to this building. He does not want to see the continuing encroachment of commercial use into this neighborhood. Mr. Miland says this is not appropriate use of an "R-1" area and he does not know what kind of building Mr. Schammel will maintain. Mr. Miland sees townhomes and smaller developments as the future- not a large apartment complex.

Joe Novak, of the Austin Landlord Association, said this may affect the whole community. If there are empty units there may not be enough income for property maintenance, and this is a problem all over Austin. The

Landlord Association was formed because of increased apartment vacancies in the City of Austin. The Landlord Association may be able to provide specific facts and numbers if this issue were tabled. Commission Chair Johnson suggested the facts and numbers be given to Mr. Schammel- as he has the economic interest in this development.

Mark Owens, of 1104 3rd St. N.W., brought forward a petition from the neighborhoods surrounding the proposed development. Commission Chair Johnson read the petition to those in the room. Mr. Owens said he never agreed to any number of apartments and he still feels this use is too high density for this size of property. He agreed with Mr. Miland's statements and said they are reflective of many others in the neighborhood. He said the nursing home was a hassle that could be tolerated for the cause. Mr. Owens said Subd. 6 Item B talks about "the Preliminary Plan procedure may be waived as a discretion of the Commission". He asked if the Commission had to vote to waive the Preliminary Plan procedure. Commission Chair Johnson said he thought so. Mr. Owens said the vote hasn't happened and the application for re-zoning has already been applied. Mr. Byram said if the Commission chooses to not waive the Preliminary Plan stages, this will ultimately require more meetings like this in the future. The records & comments will be relevant to those proceedings. If the Commission chooses to waive it then the issue moves to the final action. Mr. Owens asked about the exact sizes of the building, the exterior lighting plan, landscaping plan, grading and utility plan, etc. These things were all required from the last meeting.

Mr. Richardson said the Preliminary Plan procedure 1-24 can be waived because under Subd. B this can be voted on- where in the Ordinance does it say you can waive the ordinance. Mr. Richardson says you must have the report, and then the meeting on notice- which is not tonight's meeting. Mr. Byram said his opinion stands. Mr. Hoium said the report submitted to the Planning Commission on Friday is an analysis of the entire project, surrounding area, and floor plans. Utility locations and site drainage issues would be provided and required for the other category of Planned Development Districts such as undeveloped land. There is no plan to alter the drainage plan. Mr. Richardson said if this information was provided Friday, then a hearing needs to be set to conform to the notice in Section 11.07 for adequate time to review the report for the neighbors.

Commission Member Anderson asked how many people in the room were there for this hearing.

Motion was made by Commission Member Mair to recommend to the City Council to deny this petition because it does not significantly alleviate the reasons for denial on February 4th & February 18th. The area should not be changed to a high-density area. Tabling this issue at this time does not gain anything. Motion was seconded by Commission Member Anderson. Mr. Byram explained that this motion waives the requirements of going through the Preliminary Plan procedure, the review of the Preliminary Plan procedure in Subsections 6 & 7 and going right to the final plan and final action on this matter and that this action is being a recommendation of denial. Ayes by Members Mair, Kuehne, & Anderson. Nays by Commission Chair Johnson and Members Howard, Grove & Rosenberg. Motion fails.

Motion was made by Commission Member Kuehne to dispense with the preliminary plan. Motion was seconded by Commission Member Grove. Unanimous Ayes. Motion carried.

Motion was made by Commission Member Bergstrom to amend the Comprehensive Plan Land Use Map from low-density to high-density based on the four Findings of Fact:

- 1) adjacent to major arterial collector roads
- 2) adjacent to areas of employment
- 3) adjacent to areas of commercial activity
- 4) act as a transition from more intensive land use types to less intensive land use type

Motion was seconded by Commission Member Rosenberg. Ayes by Commission Chair Johnson, & Commission Members Bergstrom, Rosenberg, Grove, & Howard. Nays by Commission Members Mair, Kuehne, & Anderson. Motion carried.

Motion was made by Commission Member Grove to recommend approval of the change from "R-1" Single Family Residence District to a "PDR" Planned Development Residential District and to add the conditions as stated by Mr. Hoium that Mr. Schammel provide more specific parking stall dimensions, provisions for recreational vehicle parking, specific landscaping and site plan including playground equipment, specific

deadlines set and met for Phase I (removal of Wagner mansion & development of the south wing apartments), screening and landscaping plan which will include removal of loop driveway and designated parking stalls for tenants exiting onto 4th St. N.W., and inside rear yard areas to include screening to adjacent property with solid 6' fencing or coniferous trees. This motion is also based on the findings listed:

- 1) adjacent to major arterial collector roads
- 5) adjacent to areas of employment
- 6) adjacent to areas of commercial activity
- 7) act as a transition from more intensive land use types to less intensive land use type

Motion was seconded by Commission Member Bergstrom. Commission Member Anderson asked about the issues not addressed- like the exact number of parking stalls. Mr. Hoium said the plan submitted & reviewed by the Planning Commission is for 36 off-street parking stalls. Ayes by Commission Chair Johnson, Commission Members Bergstrom, Grove, & Rosenberg, & Howard. Nays by Commission Members Mair, Kuehne & Anderson. Motion carried.

2.) OPEN PUBLIC HEARING: To consider a request from Terri Bergstrom, 1900 22nd Drive S.W., Austin, MN, for a conditional use permit to allow a proposed massage therapist home occupation in an "R-1" Single-Family Residence District. Said action is pursuant to City Code Sections 11.30, Subd. 3 and 6.41.

Mr. Hoium reviewed the request. To the northeast of this property is "R-1" Single-Family Residence District. To the south is an agricultural land-use in Austin Township. This property consists of a residence and a detached garage. The area of the occupation is located in the east corner of the single-family dwelling in the front portion of the residence. Section 11.30 Subd. 3 specifically lists conditional uses for "R-1" Districts with considerations that must be provided when the Planning Commission reviews this type of matter and they were listed in the Commissioners backup material. There is a 15-day appeal period after the Commission's decision for this to be appealed before the hearing proceeds to the City Council. If the Planning Commission chooses to approve this request Mr. Hoium listed eight considerations for the Commission

- 1) There is no outside advertising on the property
- 2) Customer parking shall be in an off-street location
- 3) Only one customer shall be allowed on the premises at one time
- 4) Specific times of business hours shall be specified prior to the approval of the Conditional Use Permit
- 5) Only the resident of the home is permitted to be employed in this operation
- 6) The business is restricted to the principal residential structure
- 7) Any necessary building code issues must be reviewed and approved by the Building Official
- 8) Discussion during the public hearing should include permitted hours and days of the week for the business to be open

Mailings went out to surrounding property owners and publication was made in the newspaper. Mr. Hoium did not receive any responses in favor of or opposed to the request.

Terri Bergstrom, the petitioner, would like to operate a therapeutic massage business out of her home. She feels this is a beneficial choice for her and her two children- it offers flexibility and for her to be at home with her children while still making a living doing what she is educated in. She feels there would be no disruption to the neighbors- her driveway is large enough for parking- only one person can be treated at a time. This occupation is considered part-time for her- between 15 & 20 hours per week. She would like to be open for business Monday through Friday with occasional Saturdays. In addition she plans to be open evening hours two nights a week with the latest appointment being 8:30 p.m. Appointments last ½ hour to one hour. Earliest hours of business would be 7:30 a.m. Commission Member Howard questioned the possibility of being open from 7:30 a.m. to 8:00 p.m. Ms. Bergstrom said it would be more like 7:30 a.m. to noon and then from 5:00 – 9:00 p.m. Commission Chair Johnson asked if Ms. Bergstrom had any concerns with Mr. Hoium's recommended conditions. Ms. Bergstrom questioned the possibility of two customers coming together and one wait for the other, but generally there is just one car. Ms. Bergstrom will need no signage- she will probably be working through word of mouth. Commission Chair Johnson asked for a range of business hours. Ms. Bergstrom said 7:30 a.m. to 9:30 p.m. would be the earliest and latest hours of operation, with a Monday through Friday schedule along with one Saturday a month. Commission Member Kuehne asked to change condition #3 to "three customers allowed on the premises at one time" to accommodate Ms. Bergstrom's earlier concerns. Commission Member Anderson questioned the intent of

the outside advertising condition- would a small sign in a window or door telling customers this is the place of business be a possibility. Mr. Hoium said this is a recommended condition the Planning Commission may want to consider for this petition- allowable sign area for this zoning district is 2 square feet on a wall- no freestanding sign. Commission Member Howard asked if a sign could be placed in a window or door identifying the business. Mr. Hoium believes this ordinance states it should be a wall.

Motion was made by Commission Member Anderson to approve the request for a conditional use permit for a home occupation striking the no advertising notation to be not more than 2 square feet of signage attached to a wall and that the specific times are specified as 7:30 a.m. to 9:30 p.m., Monday through Saturday, and that only three customers will be allowed to be on the premises at one time, but including the other staff recommendations as written. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion carried.

3.) OPEN PUBLIC HEARING: To consider a request from the Hormel Foods Corporation, 1 Hormel Place, for the re-zoning of property from an "R-1" Single-Family Residence District to an "R-O" Residential-Office District. Said action is pursuant to City Code Section 11.02 and would allow the construction of a 19,927 sq.ft. research/development building addition.

Commission Chair Johnson abstained from this hearing for conflict of interest. Commission Member Grove stepped in to chair this hearing. Mr. Hoium reviewed the request. To the west of this property is an "R-1" District, to the east is a combination of "I-2" and "R-1" Districts. To the north is property currently outside city limits in Lansing Township. The request to re-zone this property would accommodate a proposed research & development facility. There are three components to this proposal.

1. 1800 sq.ft. lab expansion
2. 18,127 sq.ft. cooler facility tied into the research and development facility.
3. 127 off-street parking stalls

This proposed land use and use of the land is a conditional use for an "R-O" District. If there is an approval given to re-zone the property there would have to be another petition filed for a conditional use permit. At that time there could be placed conditions if the Planning Commission chooses to approve the proposal. Mr. Hoium made these recommendations:

1. Coniferous vegetative screening be provided along the south and west border of the future parking lot so that in the event that there is any traffic in the evening it would be less offensive to the adjacent residential neighborhood.

And considerations:

1. Any additional traffic impact on 4th St. N.E. which may occur from employees or truck traffic should be considered
2. Offensive noise levels from any refrigeration equipment
3. Building exterior finishes
4. Drainage plan for building roof areas and off-street parking area expansions
5. Screening provided along south and west of off-street parking expansion
6. Annexation of adjacent Hormel Foods property

There are areas surrounding this that would be a part of off-street parking which is currently in the Township and it is the desire of the City of Austin to have the entire site within City limits. Some issues listed for considerations and if the recommendation should be made to re-zone the property and is passed by the City Council a lot of these issues could be addressed in the conditional use application process. After publication of the hearing and mailings going out to surrounding property owners Mr. Hoium received phone calls expressing concerns about the proposed plans and relating to the above considerations.

Commission Member Grove asked about the current Hormel parking. Mr. Hoium said he understands that originally there was no fence and access was off Hormel Drive and 4th St. N.E., but currently there is a fence and parking is restricted to front access just off Interstate 90. With the proposal rear access to rear off-street parking will be maintained, but will there be additional traffic with the proposed expansion and also additional traffic with the expansion of the off-street parking area.

Commission Member Anderson asked if the possible property annexation an issue tonight. Mr. Hoium said if direction is taken to re-zone the property (re-zoning the property doesn't necessarily mean that the construction plan is approved- there would be another public hearing for that), there is a question whether you can place conditions on a re-zoning request, but you can place conditions on a conditional use permit. Mr. Hoium suggested that which ever the Planning Commission decides that there should be findings included in the motion.

Commission Member Grove asked if this does not get a recommendation tonight if they could come back and apply for a conditional use permit within an "R-1" District. Mr. Hoium said it would have to be an "R-O" District to apply for a conditional use permit.

Commission Member Howard asked why traffic is to be moved to the 4th St. N.E. and cannot remain at the front entrance off I-90. Mr. Hoium said the traffic could continue to use the entrance off I-90, but it may be a warranted concern that with the proposed expansion there would be additional traffic to that area. If an approval is given to re-zone this area Mr. Hoium would recommend the petitioner conduct a traffic study for that road if the expansion is approved.

Commission Member Anderson asked how many more employees will this proposed expansion bring to make an impact on the traffic. Mr. Hoium said initially there will be no additional employees, but in the future there may be.

Jim Mino, a representative of Hormel Foods, said the reason for the expansion is to expand the research and development space- they are currently full and have no space to develop products. They don't see a significant change in the land use. Hormel Foods conducted a public meeting with the neighborhood and heard their complaints and will be addressing as many as possible. There will be a landscape screen on the parking lot. There is a noise concern with the loading dock and the refrigeration units- the loading dock will be enclosed in a building and the new loading dock will be on the north end of the building and further from the residents. The refrigeration units will be removed and the new mechanical areas will either be inside the building or will have a sound enclosure shielding the residential areas. Any new construction will match the current building exteriors. Mr. Mino does not anticipate any increase in employees to start with. There are now approximately 100 parking spaces. Most of the existing parking space will be used for building and truck turn-around area. There will be 127 parking spaces with this proposed construction.

Commission Member Howard asked if the entrance on 4th St. N.E. could be eliminated. Mr. Mino said a traffic study has not been done. Currently all traffic goes within the fence along the west side of the existing research & development building, but there is only one-lane of traffic and is a safety concern.

Richard Jarvis, of 1801 4th St. N.E., said at the public meeting with Hormel that they plan to install a gate at the north end of 4th St. N.E. with access cards to open the gate with approximately 175 cars coming and going- he believes this will be a traffic problem. There is a weight limit sign at the Hormel gate and there are 40 & 50-foot semis driving on 3rd St. N.E., 17th Ave. N.E. & on 4th St. N.E. because of the inappropriate dock installed last year. They back into the gate across a residential intersection without a guide. He asked why they couldn't add another lane from the front gate. Mr. Hoium said currently there is one lane, but there are power poles and fencing and public right-of-way, so they would have to put the cable underground and go through the process of vacating the right-of-way. This was discussed with the City Engineer and his recommendation was not to proceed with that action.

Erin Schoen, of 1819 3rd St. N.E., said the neighborhood has a lot of children and elderly people and it is a safe neighborhood with the only one access road. She is concerned about the safety and peacefulness after the proposed expansion. During the meeting the residents were told the parking lot would hold 170 cars and they would use the 4th St. N.E. entrance. Several residents went door to door talking to residents and no residents were in favor of this proposal. This proposal would increase the already poor condition of 4th St. N.E. and more than likely it would be the residents who would pay for the repair of the roads. They are also concerned with the increased traffic flow of 1st St. N.E., 2nd St. N.E., & 3rd St. N.E. This neighborhood is not designed for this increased flow of traffic. The neighbors are insisting that Hormel keep its traffic inside the present gates to reach the parking lot and not damage the peace and safety of the

neighborhood. The neighbors are not against the Hormel expansion- they realize they own the land and realize the possibility of more jobs.

Richard Jarvis asked Mr. Mino if he ever considered the east side of the existing building- to place pylons, construct a retaining wall, and make one lane of traffic going north and one lane going south. Mr. Mino said that has not been looked at, but it would encroach on an existing wetland and is difficult to get the permits if it is even allowable.

Al Stark, of 1817 3rd St. N.E., said the increased traffic will be dramatic and that semis are already blocking the residential streets while backing in and stopping all traffic.

Commission Member Anderson asked about the weight load sign- what about the weight load issue on the roads. Mr. Hoium said the weight loads are administered by the City Engineer's office- he can check on it.

Richard Jarvis asked Mr. Hoium why it is impossible to move the fence. Mr. Hoium said when land is developed there are platted right-of-ways generally 66' in width to accommodate the road at the center along with utility easements. A petition must be filed to vacate the public right-of-way, an initial approval must be given by the City Council, there is a commission that puts a value on project, and then the City Council makes the final decision to either vacate or deny it. Mr. Jarvis feels this would solve the issue. Mr. Hoium said he will consult with the City Engineer.

Rhonda Underdahl, of 1713 4th St. N.E., said she is greatly affected by this proposal. She chose this residence because of the one way in and one way out and has enjoyed the peace and quiet for 15 years. She has two small children and the increased traffic concerns her. She will not feel safe letting her children go to the new playground equipment at Wildwood Park because they will have to cross all the traffic. She asked the Planning Commission to consider this issue carefully.

Terry Severtson, of 1711 4th St. N.E., has lived in the neighborhood for four generations and has lived on 1st St. N.E., 2nd, St. N.E., and 3rd St. N.E. She likes the one way in and one way out. She never worries about her children- everyone looks out for everyone else. The employees of the Hormel Corporate Office fly out of the parking lot with high speeds and no blinkers. Ms. Severtson slows down to avoid this traffic and does not want this traffic in front of her house.

Marion Clennon, of 1711 3rd St. N.E., said that two years ago when the parking lot was re-done the big dump trucks came flying up and down 4th St. N.E. on the weekend and the neighbors had to pull the kids off the street. There are also tour busses on 3rd St. N.E. Will Hormel find it necessary to eliminate parking on 4th St. N.E. to make room for the employees leaving onto 4th St. N.E.- will this become like 4th St. N.W.

Jon Rosenthal, of 1803 4th St. N.E., said the little road has been used for eight years- can't they put a traffic light on either end to fix it.

Rollie Camp, of 304 16th Ave. N.E., said there is too much noise already. He asked the difference between an "R-O" Residential Office District and an "R-2" Multi-Family Residence District. Mr. Hoium said the legal name of the zoning classification is an "R-O" Multi-Family Residence Office District. Mr. Camp asked why the change is necessary. Mr. Hoium said the map colors identify a different zoning district and within each district there are conditional or permitted land uses. Currently the petitioner wants to expand into an "R-1" District and the proposed land use is not permitted in an "R-1" District so City Code Section address this to review the proposal. A recommendation is made by the Planning Commission with the final decision made by the City Council. Mr. Camp asked if this is re-zoned would Hormel be able to erect multi-housing in this area. Mr. Hoium said Hormel owns the majority of the property north of the proposed expansion, but the majority of that property is in a floodplain and any building in that area is prohibited. Any action tonight is for this property specifically. By City Charter whenever property is annexed into the City it is to be annexed as an "R-1". Mr. Camp is worried about the home values with the increased traffic.

Commission Member Kuehne said there seems to be a lot of questions without answers at this time. Is it a benefit to the Commission to table this issue until next month. Commission Member Bergstrom agreed. Mr. Hoium said it could be tabled.

Commission Member Rosenberg asked if there were to be new employees. Mr. Mino said no. Mr. Kuehne asked if the existing research and development facility conducive to putting a second story on the building. Mr. Mino said he doubts it was designed for a second story. Mr. Mino said the space required is not conducive for a second floor facility. Mr. Mino said the section of land they are asking to be re-zoned is all in the proposed parking lot and new building area- it does not go further west- there would be no room for housing construction. Mr. Hoium said the Planning Commission just needs to look at the zoning classification and look at it in a way that just because the zoning change is approved doesn't mean the proposed building addition or parking lot is being approved- that is a conditional use and the research part of the building is a conditional use.

Craig Byram's recommendation would be to take action on the re-zoning action and later decide whether the traffic is too much of an issue to put the conditional use permit through.

Charles Rector, of 1714 1st St. N.E., moved in 50 years ago and at that time there was talk that the old packinghouse would encroach. They were told the zoning would keep that from happening, but since then the Hormel Corporate Office was built along with the R&D building- he would like to stop Hormel- this won't be good for his housing addition.

Motion was made by Commission Member Anderson to recommend approval of the re-zoning request to re-zone this property from "R-1" Single Family Residence District to an "R-O" Residential Office District with the suggested considerations and staff findings of fact indicated by the staff analysis and that it be in compliance with the Comprehensive Plan Future Land Use Map. Motion was seconded by Commission Member Bergstrom. Unanimous Ayes. Motion carried.

Jerry Grimley, of 1702 2nd St. N.E., asked how the Commission can vote when they don't have all the facts. Commission Member Grove said the proposed project will be voted on at another meeting for a conditional use permit. Mr. Hoium said the property owners within 350-feet will again be notified of the meeting and the meeting will be published in the newspaper.

- 4.) **OPEN PUBLIC HEARING: To consider a request from Dean and Diane Anderson, 616 7th St. N.E., for the re-zoning of property from a "B-2" Community Business District to a "R-1" Single-Family Residence District. Said action is pursuant to City Code Section 11.02 and would classify this parcel or land-use as a more appropriate conforming land-use.**

Mr. Hoium reviewed the request. This "B-2" District is currently being used as a single-family residence land-use. The petitioner would like to make his property more of a conforming land-use. There is also a tax issue with the property being zoned "B-2". The proposed future land use is in compliance to the Comprehensive Plan Future Land Use Map. This property was used commercially at one time. The property owner has remodeled extensively for the last seven years including a new roof. The mailings and public hearing publication was conducted with Mr. Hoium receiving no calls for or against the proposal.

Motion was made by Commission Member Kuehne to recommend to the City Council to allow this re-zoning from a "B-2" Business District to an "R-1" Residential District because the proposal makes the property zoning compatible for the area. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion carried.

- 5.) **OPEN PUBLIC HEARING: To consider a request from Charles Bliss, 505 18th St. N.W., Austin, MN, for a 10.3-foot rear yard setback variance from the minimum 20-foot for primary structures located in an "R-1" Multi-Family Residence District. Said action is pursuant to City Code Section 11.30, Subd. 5, and would enable the petitioner to construct a 26-foot by 6-foot attached garage addition.**

Mr. Hoium reviewed the request. The surrounding land uses are all single family residences and located in an "R-1" Single-Family Residence District. The property is a single-story duplex with the owner living in the south half and the tenant lives in the north half of the building. The petitioner would like to enlarge his

current attached garage with a 26-foot by 6-foot addition. To obtain the permission to do that the petitioner will need a 10.3-foot rear yard setback variance from the rear yard minimum setback of 20-feet. The addition would expand the garage to the south. Publication was printed and in the newspaper and mailings were sent out with Mr. Hoium not receiving any phone calls for or against the proposal.

Mr. Bliss, the petitioner, would like the addition for storage for a snowblower. Commission Member Mair asked Mr. Bliss if the neighbor to the south has any problems with this proposal. Mr. Bliss said no.

Motion was made by Commission Member Mair to recommend approval of this variance of 10.3-feet because it is in keeping with the spirit and intent of the ordinance, the property would be used in a reasonable manner, the conditions are unique to the property, and it will not alter the essential character of the area. Motion was seconded by Commission Member Rosenberg. Unanimous Ayes. Motion carried.

6.) SIGN APPEAL: To consider the sign appeal from Precision Signs, 207 South Main Street, Austin, MN, for the denial of the issuance of a sign permit. This request involves the proposed placement of a 133.5 sq.ft. wall sign on the west exterior wall of the Advance Auto Parts retail store to be located at 309 West Oakland Avenue. Said action is pursuant to City Code Section 4.50 and specifically relates to Schedule IV 1(b) which requires signage in a "B-2" Community Business District to directly face a public right-of-way.

Mr. Hoium reviewed the request. The property is completely surrounded by a "B-2" Community Business District with a combination of commercial and residential land uses. The City Code specifies that for wall signage in a "B-2" District it is limited to exterior walls facing a public street or alley. The petitioner is requesting the approval to erect the fascia wall sign on the west side of the proposed retail building which would not face the public right-of-way. The dimensions of the sign are 44-feet 6-inches by 3-feet. There is a proposed wall sign for the north exterior that will be similar to the proposed west exterior wall sign which would be in the northwest corner of the building. Directly adjacent to this property is the Hardees restaurant and a two-tenant commercial building to the southwest of this site being reviewed. The intent of the City Ordinance is to minimize excessive signing in the community and take into consideration current and future adjacent properties.

Jon Boyer, of Precision Signs, said this is the location of the previous Taco Bell building and will have the similar situation of Taco Bell- the customers enter the storefront from the parking lot.

Motion was made by Commission Member Howard to recommend to the City Council approval of this sign appeal on the west side of the proposed retail building as it is facing other commercial properties and not a private residence. Motion was seconded by Commission Member Mair. Unanimous Ayes. Motion carried.

7.) SIGN APPEAL: To consider the sign appeal from Precision Signs, 207 South Main Street, Austin, MN, for the denial of the issuance of a sign permit. This request involves the placement of a 6-foot by 12-foot monument sign at the Faith Evangelical Free Church located at 1800 12th St. S.W. City Code Section 4.50, Schedule No. 1(9) limits such signage for places of worship to 24 square feet in sign face area.

Commission Member Grove led the meeting as Commission Chair Johnson had a conflict of interest with this petition. Mr. Hoium reviewed the request. This property is in an "R-2" District and is surrounded by a combination of "R-1" Districts and a "B-1" Neighborhood Business District. To the east, west and south there is development of single-family residences and to the north there is a combination of single-family twinhomes/condominiums and the Casey's Convenience Store. While photographing the side Mr. Hoium observed a conduit between the off-street parking area and the sidewalk and is assuming that is the desired location of the sign. The standard sign area for an "R-2" District is 2 square feet in area with special provisions and exceptions for a 24 square foot sign and not exceeding the height of 8-feet. Mr. Hoium asked the Planning Commission to consider the location so that there will be no traffic or pedestrian obstructions from this sign as there is a lot of traffic on 12th St. S.W. (Highway 105). The proposed sign is 6-feet high and 12-feet long. The cabinet itself is 10-feet by 4-feet. Commission Member Kuehne asked how

far the sign will be from the driveway and is there a 40-feet recommended distance from a public right-of-way. Mr. Hoium said this land is in an "R-2" District and the minimum setback for this parcel would be 30-feet with the 30-feet classified as the front yard area. There are provisions for sight clear zones that range from 30" to 10-feet in height. Mr. Hoium's recommendation for sign placement would be to either meet the clearance zone or if the approval is given to the proposed signage that it not be installed in the front yard area- at least 30-feet west of the sidewalk.

Jon Boyer, of Precision Signs, said they are asking for 12 square feet for the sign variance. This property is on nine acres with plenty of open area. The proposed sign will be 50-75 feet away from the driveway and he does not see any traffic obstruction with that. Commission Member Kuehne said the crosswalk north of the driveway must also be considered as he has seen a child hit in the street there. Mr. Boyer said the proposed sign location is 50-feet from the sidewalk. Commission Member Anderson asked if this would be a sight obstruction for drivers on 12th St. S.W. Mr. Boyer said no. Commission Member Kuehne asked Mr. Hoium if his recommendation was that the proposed sign would be setback a minimum of 30-feet from the sidewalk. Mr. Hoium said yes. Mr. Boyer said he called MnDOT for placement requirements and was told the proposed location was acceptable. Mr. Hoium presented the site plan and recommended placement suggestions for the proposed sign. Commission Member Kuehne reminded the Commission of their decision to place the Primrose sign with a 30-feet setback and it is surrounded on three sides by cornfields.

Motion was made by Commission Member Kuehne to recommend to the City Council approval of this sign appeal with the stipulation that it be placed 30-feet back from the sidewalk. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion carried.

8.) SIGN APPEAL: To consider the sign appeal from Precision Signs, 207 South Main Street, Austin, MN, for the denial of the issuance of a sign permit. This appeal involves the placement of a total of 102.72 square feet of wall sign face area on exterior wall areas which do not face a public right-of-way. City Code Section 4.50, Schedule No. IV, 1(b) limits all wall signage erected within "B-2" Community Business Districts to face public right-of-way.

Mr. Hoium reviewed the request. The petitioner has two properties side by side- 207 South Main Street and 209 South Main Street which are located in a "B-2" Community Business District and surrounded by a combination of "B-2" and "R-O" Districts which consist of residential and business type land uses. There is an existing sign which is in compliance with the sign ordinance and it consists of a 2-foot by 6-foot, 12 square foot sign and is compliant because it faces a public right-of way. The proposed sign is to be installed on the north wall and consists of an 8-foot by 5-foot sign totaling 40 square feet in area and another wall/fascia sign with dimensions of 23-feet 8-inches and consists of 11.5 square feet. This request is similar to the Advanced Auto Parts request where the proposed signage would not face a public street or alley. On the south exterior wall there is a 12 square foot sign and a 40 square foot sign along with a fascia sign of 11.22 square feet. The appeal is for the two new wall signs on the north and south exterior walls.

Commission Member Grove asked Mr. Boyer if he would be removing any current signs. Mr. Boyer said the main reason for this request is to dress the building up- he just finished an expansion and remodel. There is the option of a pole sign with an allowable 100 square feet which would be legal, but he would rather it be on the building. Mr. Boyer said this building faces both south and north streets with nothing in between obstructing it. He feels that it faces the public right-of-way, but because there are neighboring lots between his and 1st and 2nd Avenue S.E. it isn't actually adjacent to the public right-of-way.

Motion was made by Commission Member Kuehne to recommend to the City Council approval of this sign appeal as the building faces all public right-of-ways. Motion was seconded by Commission Member Howard. Unanimous Ayes. Motion carried.

ADJOURN

Motion was made to adjourn by Commission Member Grove. Motion was seconded by Commission Member Mair. Unanimous Ayes. Motion passed. Meeting adjourned at 9:15 p.m.